

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**SPIN MASTER LTD. and SPIN MASTER  
TOYS UK LIMITED,**

**Plaintiffs,**

**-against-**

**AMY BABY STORE, et al.,**

**Defendants.**

**21-cv-2371 (ALC)**

**DEFAULT JUDGMENT**

**ANDREW L. CARTER, JR., United States District Judge:**

Plaintiffs Spin Master Ltd. And Spin Master Toys UK Limited (“Plaintiffs”) bring this action against Defaulting Defendants<sup>1</sup> for trademark infringement of Plaintiffs’ federally registered trademarks in violation of § 32 of the Federal Trademark (Lanham) Act, 15 U.S.C. §§ 1114(1)(a)-(b), 1116(d) and 1117(b)-(c); false designation of origin, passing off unfair competition in violation of Section 43(a) of the Trademark Act of 1946, as amended (15 U.S.C. § 1125(a)); and related state and common law claims, arising from the infringement of Plaintiffs’ Rubik’s Cube Marks. (*See generally* Compl., ECF No. 4.)

Plaintiffs moved *ex parte* against Defendants for an order to seal file, a temporary

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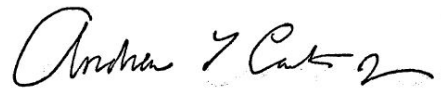
<sup>1</sup> AMY BABY Store, CubePuzzle Store, Cubes-toys Store, Dias cubes store, Dongguan Best Crafts Co., Ltd., Dongyang Tianteng Craft Company Limited, Fashionistar Store, Fun Toy Store, GSModel Store, Guangdong Yongjun Technology Industrial Co., Ltd., Hangzhou Hellocube Technology Co., Ltd., Hangzhou Zhiku Toys Co., Ltd., HelloCube Store, Huzhou Flashstar Imp & Exp Co., Ltd., Jiahai (Dongguan) Technology Co., Ltd., Kaley Toy Store, LiangCuber Store, LiDaiTang Store, Little Radish Store, Magic-Cube Store, Nanjing Shenghetai International Trade Co., Ltd., Ningbo RTSsmall Commodity Co., Ltd., Shantou Chenghai Tiantianle Toys Industry Co., Ltd., Shantou Fanxin Science And Education Industry Co., Ltd., Shantou Hongna Candy Toys Co., Ltd., Shantou Huateng Toys Co., Ltd., Shantou Shunsheng Toy Industry Ltd., Ltd., Shenzhen Hesin Technology Co.,Ltd., Shenzhen Iglory Technology Co., Ltd., Shenzhen Xingyueda Technology Co., Ltd., Shop5249073 Store, Shop5763006 Store, small stone of sea side Store, Thousandth Store, Wenzhou Haoyu Commerce Co., Ltd., Yiwu Forever Print Trading Co., Ltd., Yiwu Jianyu Imp & Exp Co., Ltd., Yiwu Jingxi Trading Firm, Yiwu Puwei Toy Factory, Yiwu Yau Imp. & Exp. Co., Ltd., YSGO Official Store, ZCUBE Official Store and Zhongshan Yixuan Craft & Gift Co., Ltd.

restraining order, an order restraining Merchant Storefronts and Defendants' Assets with the Financial Institutions, an order to show cause why a preliminary injunction should not issue, an order authorizing bifurcated and alternative service and an order authorizing expedited discovery. (ECF Nos. 9, 11–13). On August 19, 2021, the Court granted Plaintiffs' application and entered the Temporary Restraining Order, which authorized alternate service on Defendants. Defendants were served on September 16, 2021, making their answers to the Complaint due on October 7, 2021. (ECF No. 14.) To date, Defaulting Defendants have not responded to the Complaint. Plaintiffs filed Proposed Certificates of Default on March 15, 2022 (ECF No. 23), and the Clerk of Court issued Certificates of Default the same day. (ECF No. 25.) The Court issued an Order to Show Cause to Defaulting Defendants, directing them to show cause why a default should not enter by March 23, 2022. To date, Defaulting Defendants have not responded to the Court's Order to Show Cause. The Court warned Defaulting Defendants that failure to respond may result in the entry of default judgment against them.<sup>2</sup>

Accordingly, having considered the Memorandum of Law and Affidavit of Danielle (Yamali) Futterman, Esq., the Summons and Complaint previously filed in this action, and the Affidavits of Service thereof, it is hereby **ORDERED** that judgment be entered in Plaintiffs' favor against Defendants on all counts of Plaintiff's Complaint as to liability.

**SO ORDERED.**

**Dated: March 3, 2023**  
**New York, New York**



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**ANDREW L. CARTER, JR.**  
**United States District Judge**

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<sup>2</sup> After moving for default judgment, Plaintiffs voluntarily dismissed their claims as to Defendants D-FantiX Store (ECF No. 35) and Shantou Sunyok Toys Technology Co. (ECF No. 33).